

Amend Sections 40-181.1(e) and .22 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION
OF ELIGIBILITY (Continued)

40-181

.1 General County Responsibility (Continued)

(e) (Continued)

(4) In reunification cases, as defined in Section 80-301(r)(4), the parents shall be subject to a six-month CalWORKs eligibility redetermination based on the criteria in Section 40-181.2. The six-month period shall coordinate with the court's review of the reunification plan.

(5) An eligibility redetermination shall be required to restore cash aid to the CalWORKs case when a family is reunified. (Continued)

.2 Periodic Determination of Eligibility (Continued)

.22 (Continued)

.223 In reunification cases, as defined in Section 80-301(r)(4), the parents are not required to submit a monthly eligibility report as long as the reunification plan remains in place.

Authority Cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code.

Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28, and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253.5, 11254, 11265.8, 11280, 11450.12, 11451.5, 11451.7, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

Amend Section 42-710 .6 to read:

42-710 18- AND 24-MONTH TIME LIMIT (Continued)

42-710

.6 A month of receipt of aid shall not count toward the 18- or 24-month time limit period when it is a month in which the individual is: (Continued)

.66 A reunification parent pursuant to the temporary absence/family reunification provisions of Section 82-812.68, whose time limit period has not started pursuant to Sections 42-710.11 and .12, and for whom the CWD has elected to utilize a reunification plan, as defined in Section 80-301(r)(5), in lieu of the assessment and welfare-to-work plan process as specified in Sections 42-711.558 and 61.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10532(c)(2), 11203, 11320.1(c) and (d), 11320.3(a) and (b), 11322.6(f), 11322.9, 11325.21, 11325.23(c), 11325.4, 11327.5(c), 11454, 11454.5(a), ~~and~~ 11495.1, and 16501.1(d) and (f)(11), Welfare and Institutions Code.

Amend Sections 42-711.51, .55, .6, and .8 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued) 42-711

.5 Assignment of Recipients to Welfare-to-Work Activities

.51 (Continued)

.512 A county shall provide a sanctioned individual with welfare-to-work activities and services, if the individual is considered a reunification parent pursuant to the temporary absence/family reunification provisions of Section 82-812.68, and the county child welfare services agency determines that such services are necessary for family reunification.
(Continued)

.55 Assessment

.551 Participants, except those excluded as provided in Sections 42-711.31, 42-711.557, and 42-711.558 and Section 42-719.111, shall be referred to assessment, if: (Continued)

.558 An assessment, as described in Section 42-711.55, shall not be required for those welfare-to-work activities and services that are only provided as a component of a reunification plan as defined in Section 80-301(r)(5), subject to the temporary absence/family reunification provisions of Section 82-812.68.

(a) An assessment and a welfare-to-work plan as described in Sections 42-711.55 and .6 respectively, are necessary for any welfare-to-work activities and services that are provided separate and beyond those welfare-to-work activities and services that are specified in a reunification plan. (Continued)

.6 Welfare-to-Work Plan

.61 After assessment, or a determination by the county child welfare services agency that CalWORKs services are necessary for family reunification, any recipient of aid; or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD, as soon as administratively feasible. However, the county may elect to utilize a reunification plan as defined in Section 80-301(r)(5) in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a reunification plan under the temporary absence/family reunification provisions of Section 82-812.68. (Continued)

.8 Satisfactory Participation

- .81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4 respectively, unless the participant is exempt from the participation and compliance requirements pursuant to Section 42-721.13.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.15, 11320.3, 11322.6, 11322.8, 11322.9, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4 and .5, ~~and~~ 11454(a), 15204.2 and .8, and 16501.1(d) and (f), Welfare and Institutions Code; 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i); 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; and Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Sections 42-721.1 and .41 to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS

42-721

.1 The provisions of Sections 42-721.2, .3, and .4 shall not apply to: (Continued)

.13 A reunification parent as defined in Section 80-301(r)(3) whose welfare-to-work activities and services are only included in a reunification plan.

.131 A noncompliant individual shall remain eligible for CalWORKs activities and services until the expiration or termination of a voluntary placement agreement or the court terminates the reunification plan. (Continued)

.4 Sanctions

.41 (Continued)

.413 The period of time a sanctioned individual is considered a reunification parent under Section 82-812.68 shall count toward meeting the sanction periods specified in Section 42-721.43.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11320, 11320.31, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, ~~and~~ 11454, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code.

Repeal Section 44-314.143 and adopt new Section 44-314.11; and renumber Sections 44-314.11 through .142 to Sections 44-314.12 through .152, respectively, to read:

44-314 MAXIMUM FAMILY GRANT (MFG)

44-314

.1 Definitions

The following definitions pertain only to Section 44-314.

.11 Break-in-Aid

For MFG purposes the following conditions will be considered a month in which the assistance unit (AU) did not receive cash aid:

Months in suspense as defined in Section 44-315.8.

A month in which the AU is eligible for a zero basic grant (ZBG) as defined in Section 44-315.9; or

A month in which the reunification family does not receive a cash aid payment pursuant to Section 82-812.683.

.142 Law Enforcement Agency

(Continued)

.123 Mental Health Professional

(Continued)

.134 MFG Child

(Continued)

.145 Received Aid

(Continued)

.1451

(Continued)

.1452

(Continued)

~~.143~~

~~For MFG purposes, months in suspense as defined in Section 44-315.8 and/or a month in which the AU is eligible for a zero basic grant as defined in Section 44-315.9 will be considered as a month in which the AU did not receive aid. (Continued)~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11203, 11450.04(a), (b)(1), (2) and (3), (d)(1), (2) and (3), and (e), Welfare and Institutions Code; Sections 261, 262, and 285, Penal Code; Nickols v. Saenz, Case Number 310867, August 25, 2000; and Kehrer v. Saenz, Case Number 99CS02320, January 22, 2001.

Amend Section 80-301(r) to read:

80-301 DEFINITIONS

80-301

(r) (Continued)

- (3) “Reunification Parents” means those parents who are eligible to continue to receive CalWORKs services on the basis that their child/children are considered temporarily absent when all of the following conditions are met: the child has been removed and placed in out-of-home care by the county child welfare services agency; when the child was removed, the family was receiving CalWORKs assistance; and the county child welfare services agency has determined that provision of Cal WORKs services is necessary for reunification.
- (4) “Reunification Cases” means those CalWORKs cases in which the children have been removed and placed in out-of-home care by the county child welfare services agency and considered temporarily absent from the AU while their parents are receiving reunification services.
- (5) “Reunification Plan” means the case plan that is developed by the county child welfare services agency for the provision of services to the reunification parent, as defined in Section 80-301(r)(3), and given effect through order of the court or pursuant to a voluntary placement agreement executed in accordance with Child Welfare Services regulations in MPP Sections 31-082, 31-084, 31-088, 31-215, 31-225, 31-325, and 31-340.
- (6) “Reunification Services” means those CalWORKs services that the county child welfare services agency determines to be necessary for a reunification parent to reunite with his/her child/children and are specified in the reunification plan.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11203, 16501.1, and 16507, Welfare and Institutions Code; and 45 CFR 233.20.

Amend Section 82-812.6 to read:

82-812 TEMPORARY ABSENCE (Continued)

82-812

.6 Exceptions to One Full Calendar Month Time Limitation (Continued)

.68 Children Receiving Out-of-Home Care

.681 A child(ren) may be considered to be temporarily absent for a period of up to 180-consecutive days and the parent or parents remaining in the home shall be eligible for CalWORKs services when all of the following conditions are met, and a reunification plan, as defined in Section 80-301(r) is in effect:

(a) The child(ren) has been removed from the parent(s) and placed in out-of-home care.

(b) The AU was receiving CalWORKs assistance when the child(ren) was removed from the parent(s), and

(c) The county child welfare services agency has determined that provision of CalWORKs services is necessary for family reunification.

.682 A biological or adoptive parent of a child who is temporarily absent and receiving out-of-home care, may continue to receive CalWORKs services. In order to receive these services, an otherwise eligible parent also must have a reunification plan as defined in Section 80-301(r)(5).

.683 Reunification parents shall not receive a cash grant. If not all of the children in the family are removed from the home, and the parent remains eligible for a cash grant, the parent is not a reunification parent and the family is not a reunification family.

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(a) Reunification parents, cases, plan, and services are defined in Section 80-301.

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.684 Reunification parents are eligible for welfare-to-work services as described in Section 42-700 et seq.

- .685 Reunification parents are eligible for supportive services pursuant to Section 42-750.
- .686 Reunification parents are subject to the rules regarding supportive services underpayments and overpayments as set forth in Section 42-751.
- .687 The following are eligibility and reporting requirements that will apply to the family reunification parent.
- (a) Monthly eligibility reporting requirements for reunification cases are set forth in Section 40-181.223.
 - (b) The reunification case will be subject to an eligibility redetermination every six months pursuant to Section 40-181.1(e)(4).
 - (c) An eligibility redetermination pursuant to Section 40-181.1(e)(5) will be conducted to restore cash aid to the CalWORKs case when an AU is reunified.
 - (d) Pursuant to Section 42-711.61, the county may utilize the county child welfare services agency reunification plan as defined in Section 80-301(r)(5) as the required welfare-to-work (WTW) plan or amend the WTW plan and include all or part of the WTW activities in the reunification plan.
 - (e) Pursuant to Section 42-711.512 and Section 42-721.413, reunification parents who are subject to a WTW sanction, including a second or third instance sanction, are not precluded from receiving CalWORKs reunification services. Participation in a family reunification plan will also count toward any required sanction period.
 - (f) For Maximum Family Grant purposes and pursuant to Section 44-314.22, a month in which children are temporarily absent from the home shall be considered a month in which the AU did not receive aid.
- .688 The county child welfare services agency may grant a good cause extension to the 180-day temporary absence in the following situations:
- (a) An extension is needed for the number of days between the date of the children's removal and the date the court orders a reunification plan.
 - (b) The county child welfare services agency determines that additional time is needed, beyond the 180 days, to complete the

reunification plan. This extension can be in effect until termination of the family reunification plan.

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(c) Example of Good Cause Extension of 180-day Family Reunification Plan

A family consists of a parent and two children. The children are removed by the county child welfare services agency on June 14, 2003. The parent has completed all of the requirements of the Family Reunification Plan by February 1, 2004. However, the social worker in the case recommends to the court, and the court agrees, that the parent needs an additional six months of services. A six-month extension is ordered by the court and the parent receives an extension of CalWORKs services which ends on July 31, 2004.

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.7 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11203, 11269, 11323, and 11454, Welfare and Institutions Code; and 42 USC 408(a)(10).